



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

High Desert District
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 83101-9711



In Reply Refer To:
4160 (WYD09)
11414

CERTIFIED-RETURN RECEIPT REQUESTED

FEB 21 2013

Ortega, Elna Rae
4485 West 5295 South
Kearns, UT 84118

Largent, Iris D
PO Box 88
Mountain View, WY 82939

NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION

***Renew Livestock Grazing Permits (#4904208 and # 4900057) on the
Cottonwood Allotment (#11414)
with no changes to Terms and Conditions***

Environmental Assessment WY-090-EA12-61

Dear Ms. Ortega and Ms. Largent:

The following Proposed Decision is to renew grazing permits #4904208 and #4900057 for the Cottonwood Allotment (#11414) with no modifications to terms and conditions. These permits replace your previous grazing permits for the Cottonwood Allotment.

BACKGROUND

Scoping was conducted as part of the previous permit renewal process in 2011. The comments received as part of this process are addressed in EA# WY 090-EA12-61.

PROPOSED DECISION

My Proposed Decision, which is both a NEPA Decision and a Proposed Grazing Decision as outlined under 43 CFR subparts 4160 and 4120.2 (c), is to implement the Proposed Action described in Environmental Assessment WY-090-EA12-61, to issue your grazing permits (#4904208 or #4900057) on

the Cottonwood Allotment (#11414). The new grazing permits will be issued for a period of ten (10) years and will incorporate the following terms and conditions:

Authorization Number	Allotment Name and Number	Number/ Kind of Livestock	Season of Use	Percent Public Land	AUMs
4900057	Cottonwood 11414	20 Cattle	5/15 – 7/05	100	34
4904208	Cottonwood, 11414	20 Cattle	5/15 – 7/05	100	34

The following mandatory terms and conditions would continue on these permits:

- The permittee must maintain all assigned range improvements (allotment fences) in good working order and in an aesthetic state. We encourage the permittee to participate in rangeland monitoring activities. All grazing use within the allotment will be in accordance with 43 CFR parts 4000 to end.
- Wyoming state law requires trichomoniasis testing for bulls in common use allotments. Documentation of trichomoniasis tests must be filed with the BLM at least 20 days prior to turn-out or bulls will not be authorized in accordance with 43 CFR 4130.7(B).

RATIONALE:

The decision to issue these grazing permits, with the Terms and Conditions as stated above, is in compliance with the Kemmerer Resource Management Plan (RMP), signed May 24, 2010, which identifies this allotment as being open for livestock grazing. Your grazing permits have been reviewed to determine if they conform with the land use plan's (LUP) terms and conditions as required by 43 CFR 1610.5. All qualifications of 43 CFR 4110.1, 4110.2-1 and 4110.2-2 have been met and the issuance of this grazing permit is consistent with 43 CFR 4130.2, 4130.3-1 and 4130.3-3.

AUTHORITY

The authority to issue, manage and modify grazing permits or leases on public land is provided by the Taylor Grazing Act of 1934, the Federal Land Policy and Management Act of 1976 and the following Code of Federal Regulations (CFR):

43 CFR 4100.0-8 which states:

"The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

43 CFR 4110.1(b) (1) (i) which states:

"Applicants for the renewal or issuance of new permits and leases and any affiliates must be determined by the authorized officer to have a satisfactory record of performance.

(1) Renewal of permit or lease. (i) The applicant for renewal of a grazing permit or lease, and any affiliate, shall be deemed to have a satisfactory record of performance if the authorized officer determines the applicant and affiliates to be in substantial compliance with the terms and conditions of the existing Federal grazing permit or lease for which renewal is sought, and with the rules and regulations applicable to the permit or lease.

43 CFR 4110.2-1(d) which states in pertinent part:

"If a permittee or lease loses ownership or control of all or part of his/her base property, the permit or lease, to the extent it was based upon such lost property, shall terminate immediately without further notice from the authorized officer."

43 CFR 4110.2-2(a) which states in pertinent part:

"...Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan...."

43 CFR 4130.2(b), (d) & (f) which state in pertinent part:

(b) "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases."

(d)(3) "The term of the grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease."

(f) "The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees or lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease. "

43 CFR 4130.3 which states:

"Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

43 CFR 4130.3-1(a) which states:

"The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the carrying capacity of the allotment."

43 CFR 4130.3-2 which states in pertinent part:

"The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

RIGHT OF PROTEST AND/OR APPEAL:

Any applicant, permittee, lessee or other interested party may protest a proposed decision under 43 CFR 4160.2, in person or in writing to:

Jeromy W. Caldwell (Field Manager)
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 83101

Protests must be received within 15 days after receipt of the proposed decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. I, as the authorized officer, have determined that the proposed decision will become the final decision for the Cottonwood Allotment in the absence of a protest.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision pending appeal, in accordance with 43 CFR 4.471. The appeal and petition for a stay must be filed in person or in writing to the address given above.

The appellant must serve a copy of the appeal by certified mail on the Office of the Field Solicitor, Rocky Mountain Region, at 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

The appeal must clearly and concisely state the reasons why the appellant thinks the final decision is wrong and must otherwise comply with the provisions of 43 CFR 4.470.

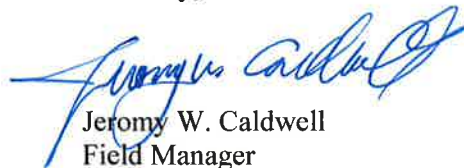
Should you wish to file a petition for a stay, you must comply with the provisions at 43 CFR 4.471. Among other things, that regulation requires that a petition for a stay show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Any person named in the decision from which an appeal is taken who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. The person must serve copies of the motion to intervene and response on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Please contact Steven Calkum, Range Management Specialist (RMS) at (307) 828-4531 if you have any questions.

Sincerely,



Jeromy W. Caldwell
Field Manager

COPIES SENT TO:

Western Watersheds Projects
c/o Johnathan Ratner
PO Box 1160
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U.S. Fish and Wildlife Service
5353 Yellowstone Road, STE 308A
Cheyenne, WY 82009

Wyoming State Grazing Board
PO Box 1202
Lander, WY 82520

DEQ - Administration
Herschler Building 4th Floor West
122 West 25th Street
Cheyenne, WY 82002

Justin Williams
WY Dept of Ag., Nat Rsc & Policy
2219 Carey Ave.
Cheyenne, WY 82002-0100

Office of State Lands & Invest.
Herschler Building 3rd Floor West
122 West 25th Street
Cheyenne, WY 82002

Wyoming Dept. of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002

State Hist. Preserv. Office
Barrett Building, 3rd Floor
Cheyenne, WY 82002

Wyoming Livestock Board
1934 WYott Drive
Cheyenne, WY 82002

State Planning Office
Herschler Building 1st Floor East
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Cheyenne, WY 82002

Wyoming Game and Fish Dept.
5400 Bishop Blvd.
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DEQ - Water Quality Division
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